No. 934. 97
Motion to advance.
SUPREME COURT, U. S.
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Filed July 15, 1898.

IN THE SUPREME COURT OF THE UNITED STATES.

WASHINGTON, D. C.

OCTOBER TERM, 1898.

THE WATERS-PIERCE OIL COMPANY, PLAINTIFF IN ERROR.

vs.

THE STATE OF TEXAS, DEFENDANT IN ERROR.

IN ERROR TO THE COURT OF CIVIL APPEALS FOR THE THIRD SUPREME JUDICIAL DISTRICT OF THE STATE OF TEXAS.

MOTION TO ADVANCE.

EDWARD VON BOECKMANN PUB. CO., PRINTERS, AUSTIN, TEXAS.

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IN ERROR TO THE COURT OF CIVIL APPEALS FOR THE THIRD SUPREME JUDICIAL DISTRICT OF THE STATE OF TEXAS.

MOTION TO ADVANCE.

To the Honorable, the Supreme Court of the United States:

This suit was instituted in the trial court by the State of Texas against the Waters-Pierce Oil Company, as defendant, for the purpose of cancelling the permit of the plaintiff in error, a corporation organized under the laws of Missouri, to do business in Texas, for the reason that it had in numerous instances therein charged violated the Texas statute known as the "anti-trust law," by making agreements and contracts in restraint of trade. Among the several defences interposed by the appellant company in the court below was that the Texas statute was uncon-

stitutional in that it violated the fourteenth amendment to the Constitution of the United States.

A judgment was rendered against the defendant company cancelling its permit to do business in Texas. From this judgment it appealed to the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas. The appeal resulted in the affirmance of the case. The plaintiff in error then sought to have the judgment reviewed by the Supreme Court of the State on writ of error, but its application for writ of error was denied. It then brought the case to this court by writ of error. As above indicated, the State of Texas is a party to the suit.

The State of Texas, by its Attorney General, therefore, moves the court to advance said cause on the docket of this court, and set same down for trial at the earliest date possible, consistent with the convenience of this court. In this connection the defendant would respectfully suggest that it be set for a date not later than the first of December, 1898, and as near to the date that the other cases to which the State of Texas is a party are set as possible.

Defendant in error insists that the motion should be granted:

1. Because the State of Texas is a party.

2. Because the question of the validity of the anti-trust statute in Texas affects matters of general public interest not only to the people of Texas, but all those who have commercial dealings with her people.

3. Because the case is one of special and peculiar circumstances, such as to justify its advance under the rules of this court.

Defendant in error further represents that George Clark, Esq., and D. C. Bolinger, Esq., who reside in Waco, McLennan County, Texas, and J. D. Johnson, who resides in the City of St Louis, State of Missouri, are counsel for plaintiff inerror, and upon whom services is asked to be made.

W. M. Crane Att'y Gen'l.,

Attorney for the State of Texas, Defendant in Error.

Plaintiff in error hereby waives issuance and service of notice of this motion and agrees that this memorandum may be accepted in lieu thereof.

Jas. D. Johnson

Geo Clark

D. C Bolinger

Attorneys for plaintiff in error.